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DRAFT STATUTORY INSTRUMENTS

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**2008 No.**

**The Air Navigation (Environmental Standards  
For Non-EASA Aircraft) Order 2008**

**PART 1**

Preliminary

**Citation and Commencement**

1. This Order may be cited as the Air Navigation (Environmental Standards for Non-EASA Aircraft) Order 2008 and comes into force on the tenth day after the day on which it is made.

**Revocation**

2. The Air Navigation (Environmental Standards) Order 2002(1) is revoked.

**Interpretation**

3.—(1) In this Order —

‘adversely’ means, for the purpose of the definition of ‘derived version’, an increase by more than 0.3dB to any one of the noise certification levels specified in the noise type certificate;

‘authorised person’ means any constable and any person authorised by the CAA (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

‘Basic EASA Regulation’ means Regulation (EC) No. 216/2008 of the European Parliament and of the Council of 20th February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC(2);

‘derived version’ means, for the purposes of paragraph (2), an aircraft which is similar to the aircraft in respect of which a noise type certificate has been granted but incorporates changes in type design which may affect its noise characteristics adversely;

‘EASA’ means the European Aviation Safety Agency established under the Basic EASA Regulation;

‘EASA aircraft’ means an aircraft which is required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

‘EASA certificate of airworthiness’ means a certificate of airworthiness issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

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(1) S.I. 2002/798.

(2) O.J. No. L 79 of 19.03.2008, p.1.

‘EASA permit to fly’ means a permit to fly issued in respect of an EASA aircraft under and in accordance with subpart P of Part 21;

‘EASA restricted certificate of airworthiness’ means a restricted certificate of airworthiness issued in respect of an EASA aircraft under and in accordance with subpart H of Part 21;

‘Microlight aeroplane’ means an aeroplane designed to carry not more than two persons which has—

- (a) a maximum total weight authorised not exceeding—
  - (i) 300 kg for a single seat landplane (or 390 kg for a single seat landplane in respect of which a United Kingdom permit to fly or certificate of airworthiness was in force prior to 1st January 2003);
  - (ii) 450 kg for a two seat landplane;
  - (iii) 330 kg for a single seat amphibian or floatplane; or
  - (iv) 495 kg for a two seat amphibian or floatplane; and
- (b) either a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre or a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;

‘noise certificate’ means a certificate issued by the CAA in accordance with article 8, 9 or 10 or a certificate or other document issued or validated in accordance with article 4(3);

‘noise type certificate’ means a certificate indicating that the type of aircraft to which the certificate refers is acceptable for noise certification;

‘non-EASA aircraft’ means an aircraft which is not required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

‘Part 21’ means the annex so entitled to [Commission Regulation \(EC\) No. 1702/2003](#) of 24<sup>th</sup> September 2003 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations<sup>(3)</sup>;

‘prescribed’ means prescribed by regulations made by the Secretary of State under this Order;

‘rated output’ has the meaning specified in Part I, Chapter 1 of Volume II of Annex 16;

‘Research aircraft’ means an aircraft which falls in category (b) of Annex II to the Basic EASA Regulation<sup>(4)</sup>;

‘smoke’ means the carbonaceous materials in exhaust emissions which obscure the transmission of light;

‘State aircraft’ means an aircraft engaged in military, customs, police or similar services;

‘subsonic aeroplane’ means an aeroplane which is incapable of sustaining level flight at a speed in excess of flight mach 1.0;

‘supersonic aeroplane’ means an aeroplane which is capable of sustaining level flight at a speed in excess of flight mach 1.0;

(3) O.J. No. L 243, 27.9.2003 p.6, amended by [Commission Regulation \(EC\) No 357/2007](#) O.J. No. L 94, 4.4.2007 p.3 and to which there are other amendments not relevant to this Order.

(4) Category (b) of Annex II to the Basic EASA Regulation comprises aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers.

‘Volume I of Annex 16’ means the fourth edition July 2005 - of Volume I of Annex 16 to the Chicago Convention as amended by the Supplement to the third edition dated 3rd March 2003<sup>(5)</sup>;

‘Volume II of Annex 16’ means the second edition July 1993 - of Volume II of Annex 16 to the Chicago Convention as amended by Amendment 3 dated 20th March 1997, Amendment 4 dated 19th July 1999, Amendment 5 dated 11th July 2005, the Supplement dated 3rd March 2003 and the Amendment to the Supplement dated 22nd October 2003.

(2) An aircraft is one for which there is an EASA equivalent type if, in the reasonable opinion of the CAA, it is of the same type as any EASA aircraft or is a derived version of such a type.

(3) Other expressions used in this Order and in the Air Navigation Order 2005<sup>(6)</sup> have the same meaning in this Order as they have in the Air Navigation Order 2005.

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<sup>(5)</sup> This Annex was published by the International Civil Aviation Organisation.

<sup>(6)</sup> [S.I. 2005/1970](#), to which there are amendments not relevant to this Order.